

REMARKS

This responds to the Final Office Action mailed on January 22, 2009.

Claims 1-13 and 75-81 are now pending in this application.

No amendments have been made to the claims.

§ 102 Rejection of the Claims

Claims 1-2, 4-7 and 76-77 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gever et al. (U.S. Patent 6,329,994). It is of course fundamental that in order to sustain an anticipation rejection that each and every element in the rejected claims must be taught or suggested in the exact detail and identical arrangement within the cited reference.

Here, Applicant continues to assert that Gever does not use three-dimensional search terms to search for three-dimensional objects. It is true that Gever searches for three-dimensional animation objects but this is done with two-dimensional or single-dimensional search terms or operands. That is, the three-dimensional animation library is indexed in one or two dimensions and one or two dimension search operands are used to map to a three-dimensional animation object.

It appears that the Examiner has ignored this distinction and simply declares that because a search processes against a three-dimensional library then it must necessarily search using three-dimensional objects. This is simply not what is taught or what is shown in Gever. Gever just uses keywords (one dimension) or an image (two dimension) to search against the animation library. *See Gever column 11 lines 16-25.*

Gever simply maps text words and images to animation objects via an indexing scheme and then performs searching via one or two-dimensional search terms, to wit the keywords or the images. There is no ability whatsoever in Gever to conduct a search with a three-dimensional search term. Applicant respectfully requests that the Examiner point to a search operand or term that is three-dimensional and used to search the animation library in Gever.

Accordingly, the rejections of record should be withdrawn with respect to the pending claims. Applicant respectfully requests an indication of the same.

§ 103 Rejection of the Claims

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gever et al. (U.S. Patent 6,329,994) in view of Igarashi et al. (U.S. Patent 6,549,201). This claim is dependent from amended independent claim 1; thus claim 3 is allowable in view of the amendments and remarks presented above with respect to claim 1.

Claims 8-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gever et al. (U.S. Patent 6,329,994) in view of Shoov et al. (U.S. Publication No. 2003/0071810). Obviousness requires that each and every element in the rejected claims be taught or suggested in the proposed combination of references.

Shoov does not alter the fact that there is no three dimensional search term or operand used to conduct a three-dimensional search and Applicant has already detailed above with the discussion of the rejection with respect to independent claim 1 that the Gever reference simply cannot permit a search operand to be in three dimension because the very search in Gever is predicated upon a one-dimensional key word or a two-dimensional image. Therefore, this rejection is inappropriate and should be withdrawn and Applicant respectfully requests an indication of the same.

Accordingly, the rejections with respect to claims 8-13 should be withdrawn and these claims allowed. Applicant respectfully requests an indication of the same.

Claim 75 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gever et al. (U.S. Patent 6,329,994) in view of Miyao et al. (U.S. Patent 6,466,237). This claim is dependent from amended independent claim 1; so, claim 75 is allowable in view of the amendments and remarks presented above with respect to independent claim 1.

Claims 78-81 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gever et al. (U.S. Patent 6,329,994) in view of Friedman et al. (U.S. Patent 5,760,778). These claims are dependent from amended independent claim 77; accordingly, claims 78-81 are allowable in view of the amendments and remarks presented above with respect to independent claim 77. Applicant respectfully requests an indication of the same.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' representative at (513) 942-0224 to facilitate prosecution of this application.

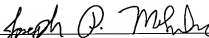
If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(513) 942-0224

Date 04/22/09

By


Joseph P. Mehrle
Reg. No. 45,535

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 22, 2009.

Zhakalazky M. Carrion

Name

Signature

